

STAFF REPORT

June 5, 2003

No. 03RZ021 - Rezoning from General Agriculture District to General Commercial District **ITEM 35**

GENERAL INFORMATION:

PETITIONER	FMG Inc. for Bypass LLC
REQUEST	No. 03RZ021 - Rezoning from General Agriculture District to General Commercial District
EXISTING LEGAL DESCRIPTION	That part of the NE1/4 of Section 28, T2N, R8E, BHM, Pennington County, South Dakota, that lies within the following description: Commencing at an aluminum survey cap at the center of Section 28; thence N48°44'38"E, 1414.78 feet to a point; thence N89°58'15"E, 1588.06 feet to a point along the East Section Line of Section 28; thence S00°01'17"E, 276.57 feet to a point along the East Section Line of Section 28; thence N89°54'47"W, 32.73 feet to a rebar with survey cap marked "2652"; thence N89°54'47"W, 1292.77 feet to a point; thence S00°01'04"E, 663.68 feet to a point at the South 1/16 Corner of the NE1/4 of Section 28; thence N89°48'22"W, 1326.47 feet to an aluminum survey cap at the center of Section 28 at the point of beginning
PARCEL ACREAGE	Approximately 25.46 acres
LOCATION	Northwest of I-90 and Elk Vale Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Commercial District
East:	General Agriculture District
West:	General Agriculture District
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	05/09/2003
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the rezoning from General Agriculture Zoning District to General Commercial Zoning District be approved in conjunction with a Planned Development Designation and the related Amendment to the Comprehensive Plan.

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GENERAL COMMENTS: This property is located northwest of the intersection of I-90 Exit 61 and Elk Vale Road. The property was annexed into the City of Rapid City in 1986. The property is currently zoned General Agriculture District and is undeveloped. The Future Land Use Committee met with the property owner and recommended approval of the rezoning of the subject property from General Agriculture District to General Commercial District with a Planned Development Designation. Applications for an Amendment to the Comprehensive Plan (03CA013) and a Planned Development Designation (03PD022) have been submitted in conjunction with the rezoning request.

STAFF REVIEW: Staff has reviewed this proposed rezoning for conformance with the four criteria for review of zoning map amendments established in Section 17.54.040(D)(1). A summary of staff findings are outlined below:

1. *The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and districts affected or in the City in general.*

The subject property was annexed into the City in 1986 and is undeveloped. The property is currently zoned General Agriculture District. The General Agriculture District has served as a holding zone until such time as the property is developed. The recent extensions of City sewer and water services to the City's Visitors Center have changed the conditions within the area to support the extension of commercial development. Elk Vale Road, located east of the subject property, is a principal arterial street as classified on the City's Major Street Plan. Mall Drive, located south of the subject property, is also classified as a principal arterial street. It is anticipated that this will be an area of the community that will experience continued growth and development in the future.

2. *The proposed zoning is consistent with the intent and purposes of this ordinance.*

The properties surrounding the subject property to the north, east and west are zoned General Agriculture District. The property to the south is zoned General Commercial District. Elk Vale Road is located adjacent to the subject property on the eastern border. The Northeast Future Land Use Plan identifies the subject property as appropriate for Light Industrial land use(s) and General Commercial land use(s) with a Planned Development Designation. The related Amendment to the Comprehensive Plan (03CA013) proposes to change the land use on the portion of the property that is Light Industrial to General Commercial with a Planned Development Designation. The Future Land Use Committee feels that the long range plan for this area would support General Commercial land use(s) as it would be a buffer between the Light Industrial land use(s) to the north of the subject property, and the properties located adjacent to Interstate 90. The location of the property adjacent to two principal arterial roadways makes it a desirable location for general commercial activities serving the retail business needs of the community. The subject property is also located within close proximity to I-90, a major gateway into Rapid City, making the area desirable for commercial activities to serve the traveling public. Rezoning this property from General Agriculture District to General Commercial District with a Planned Development

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Designation would appear to be consistent with the intent and purpose of this ordinance.

3. *The proposed amendment will not adversely affect any other part of the City, nor shall any direct or indirect adverse effects result from such an amendment.*

The subject property is located adjacent to General Agriculture Zoning Districts on the north, east and west and General Commercial Zoning District on the south. The proposed amendment would serve as a buffer between the general commercial development located south of the subject property, the site of the City's Visitor Center, and the future light industrial development land use(s), as shown on the Northeast Area Future Land Use Plan, to be located north of the subject property. The recent extension of municipal services to the area as well as the location of the site adjacent to the principal arterial streets support commercial development. Any increase in traffic or drainage can be mitigated through the associated Planned Development Designation submitted with this application. The amendment should not have a significant affect on any of the surrounding land uses or on public infrastructure.

4. *The proposed amendments shall be consistent with and not conflict with the Development Plan of Rapid City including any of its elements, Major Street plan, Land Use Plan and Community Facilities Plan.*

The Northeast Area Future Land Use Plan identifies the subject property as appropriate for Light Industrial land use(s) and the adjacent properties as appropriate for Light Industrial land use(s) to the north and west and General Commercial land use(s) to the south and east. The Future Land Use Committee met and recommended approval of the change in land use for the subject property from Light Industrial to General Commercial with a Planned Commercial Development. An Amendment to the Comprehensive Plan (03CA013) to change the land use for the subject property from Light Industrial to General Commercial with a Planned Commercial Development has been submitted in conjunction with this rezoning application. The location of this request is a continuation of existing and future general commercial land use(s) of the adjacent properties. The Future Land Use Committee is recommending that this Rezoning from General Agriculture District to General Commercial District be approved in conjunction with the Amendment to the Comprehensive Plan request in order to be consistent with the adopted Northeast Area Future Land Use Plan.

As of this writing, the sign has been posted on the property, but the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the June 5, 2003 Planning Commission meeting if these requirements have not been met. Staff has received no inquiries or objections regarding this request.